**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

UNITED STATES OF AMERICA	*	
v.	*	**Criminal No. RWT-11-0091**
WILLIAM LAWRENCE CASSIDY	*	

*   *   *   *   *   *   *   *   *   *   *

**UNOPPOSED MOTION TO CONTINUE
PURSUANT TO 18 U.S.C. §3161(h)(7)**

The defendant, William Cassidy, by and through his attorneys, James Wyda, Federal Defender for the District of Maryland, and Ebise Bayisa, Staff Attorney, hereby requests, pursuant to 18 U.S.C. §3161(h)(7), an Order for a continuance under the Speedy Trial Act. In support of this motion, counsel states as follows:

1.   On or about February 23, 2011, the defendant, Mr. Cassidy was charged by Indictment with one count of Interstate Stalking in violation of 18 U.S.C. § 2261A(2)(A). He was arrested at his place of residence in California on February 15, 2011, pursuant to a Complaint, and was transported to Maryland.

2.   On March 9, 2011, Mr. Cassidy had an Initial Appearance in the District of Maryland before Judge Day. A detention hearing was set for March 11, 2011; however, on March 10, while he was in custody, Mr. Cassidy went to the hospital emergency complaining of pain in his abdomen and was admitted for treatment. Mr. Cassidy underwent surgery to remove stones in kidneys and gall bladder. In light of Mr. Cassidy's medical condition, the detention hearing scheduled on March 10, 2011 was cancelled.

3.   Mr. Cassidy's condition did not improve for some time and he did not appear in court again until April 13, 2011 for a detention hearing. At this hearing, Judge Day ruled that Mr. Cassidy could be released to a third-party custodian or a half-way house. Office of Pretrial Services and undersigned counsel are still in the process of finding a suitable placement for Mr. Cassidy.

4.   On May 9, 2011, Mr. Cassidy appeared for an Arraignment before Judge Schulze and entered a plea of not guilty to the sole count in the Indictment.

5.   Pursuant to the Speedy Trial Act, in any case where a defendant has entered a plea of not guilty, a trial must commence within 70 days from the filing of the Indictment or the date the defendant appeared before a judicial officer of the court in which the case is pending, whichever is later.

6.   The trial in this case is presently scheduled for May 17, 2011 and pretrial motions are due on May 12, 2011

7.   A continuance is warranted because this case is complex and involves novel questions of law. Counsel has not been able to find a case where 18 U.S.C. §2261A has been applied in this manner to similar facts. In fact, defense counsel intends to file substantive motions challenging the constitutionally of 18 U.S.C. §2261A on its face and as applied to the facts in this case.

8.   The defendant requires additional time to prepare for trial because this case has been hamstrung by delays due to Mr. Cassidy's medical condition which prevented him from appearing in court between March 10, 2011 and April 13, 2011.

9.   Additionally, the defendant requires additional time to review discovery, which has not yet been provided. Counsel for the government has indicated that the discovery in this case is voluminous.

10.   For the foregoing reasons, the ends of justice will be served by a granting a continuance of time for 75 days within which to commence a trial, and those ends outweigh the best interest of the public and the defendant in a speedy trial because it will allow the parties to prepare adequately for pretrial proceedings and the trial itself and will allow the parties sufficient time to discuss a potential resolution of the case.

11.   The Government does not oppose the request for continuance.

WHEREFORE, the defendant request that the Court issue an Order for a continuance under the Speedy Trial Act in conformance with the draft order that is submitted herewith for the convenience of the Court.

Respectfully submitted,

JAMES WYDA
Federal Public Defender

/s/
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